

Docket No. 23-4509

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

United States of AmericaPlaintiff-Appellee,

v.

Russell Lucius LaffitteDefendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA,
BEAUFORT DIVISION, RICHARD M. GERGEL, DISTRICT JUDGE

**DEFENDANT-APPELLANT'S SUPPLEMENT TO MOTION FOR
RELEASE PENDING APPEAL AND REQUEST FOR TELEPHONIC
STATUS CONFERENCE**

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Defendant Russell Lucius Laffitte (“Laffitte”) supplements his Motion for Release Pending Appeal and respectfully moves this Court for a telephonic status conference before Laffitte’s current reporting deadline of 12 p.m. on Thursday, September 28, 2023.¹ Counsel has been advised that the United States opposes the request for a telephonic status conference.

By way of additional background, the record below indicates that Laffitte was indicted on July 20, 2022. Dkt. 2. He was not arrested, but instead received notice of his initial appearance and arraignment date. Dkt. 7. On July 27, 2022, Laffitte appeared as noticed for an arraignment and a bond hearing before United States Magistrate Judge Molly H. Cherry. Dkt. 12. Magistrate Judge Cherry set a \$500,000.00 secured bond with special conditions of release including electronic monitoring² and home confinement. Dkts. 12-16. On November 8, 2022, Laffitte went to trial and, on November 22, 2022, Laffitte was convicted. Dkts. 174-209. Laffitte remained on bond following his conviction and has abided by all conditions of his bond.

¹ The facility is approximately five hours away from Laffitte’s residence, so travel arrangements must be made ahead of time.

² This Court should be aware that Laffitte is also facing state charges based on substantially similar underlying allegations. On May 6, 2022, a South Carolina state circuit judge set Laffitte’s state bond at \$1,000,000.00 with the condition of electronic monitoring. As a result, Laffitte is on electronic monitoring for both state and federal agencies—and he has been wearing two separate ankle monitors for almost 14 months.

Currently pending before this Court is Laffitte's Motion for Release Pending Appeal. As discussed in the Joint Status Report filed on September 25, 2023, the district court granted two one-week extensions to Laffitte's initial reporting deadline of September 14, 2023 given the fact that this Court has not yet issued an order on the Motion for Release Pending Appeal. Dkts. 325, 335. The district court has made it clear that it will not extend Laffitte's reporting deadline further—indeed, in its Order extended Laffitte's reporting deadline to September 28, 2023, the district court specifically stated that “[n]o further extension will be granted.” Dkt. 335. Laffitte is now due to report in less than two days as his deadline is 12 p.m. on Thursday, September 28, 2023.

Given the impending deadline and as the district court has indicated it will not grant any further extensions, Laffitte respectfully requests a telephonic status conference with this Court before that reporting deadline and, if possible for the Court, before Laffitte must leave his home and travel to FCI Coleman tomorrow afternoon—a facility in Sumterville, Florida that is approximately five hours from his residence. Undersigned counsel will make themselves available to the Court at any time for such a hearing.

Dated: September 26, 2023

Respectfully submitted,

/s/ William W. Wilkins

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CERTIFICATE OF COMPLIANCE

As required by Rule 32(g)(1) of the Federal Rules of Appellate Procedure, I hereby certify that this Motion is in compliance with the type form and volume requirements. This Motion was prepared using Microsoft Word 2016. It is proportionately spaced; uses a Roman-style, serif typeface (Times New Roman) of 14-point; and contains 375 words exclusive of the material not counted under Rule 32(f) of the Federal Rules of Appellate Procedure.

Dated: September 26, 2023

/s/ William W. Wilkins

William W. Wilkins

Counsel for Defendant-Appellant

Russell Lucius Laffitte

CERTIFICATE OF SERVICE

I certify that on September 26, 2023, the foregoing filing was served on all counsel of record for the parties through the CM/ECF system.

Dated: September 26, 2023

/s/ William W. Wilkins

William W. Wilkins

Counsel for Defendant-Appellant

Russell Lucius Laffitte